

REMARKS

Claims 1 - 27 are pending. Claims 1 - 3, 5 - 8, 10 - 14, 16 - 18, and 26 have been amended. No new matter has been introduced. Reexamination and reconsideration of the application are respectfully requested.

In the March 15, 2004 Office Action, the Examiner identified that the information disclosure statement (IDS) had not been considered. The applicant has resubmitted the pending patent application identified in that IDS (the entire patent application and drawings), and also additional references disclosed in corresponding foreign applications.

The Examiner indicated claims 4 and 25 were allowed. The Examiner objected to claims 10 and 16 as being dependent upon a rejected base claim, but indicated that claims 10 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicants have rewritten claims 10 and 16 in independent form including all of the limitations of the base claim and any intervening claims. Applicants amended claims 10 and 16 to further clarify the invention. Accordingly, applicants respectfully submit that claims 4, 10, 16, and 25 are in condition for allowance.

The Examiner objected to claim 19 due to antecedent basis. Claim 19 has been amended to address the Examiner's concern.

The Examiner rejected claims 1 - 3, 13 - 15, and 20 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,288,716 to Humpleman et al. (the Humpleman reference) and U.S. Patent No. 5,262,940 to Sussman (the Sussman reference). The Examiner rejected claims 5 - 9, 11, 12, 17, 18, 26, and 27 under 35 U.S.C. § 103(a) as

being obvious over the Humpleman reference in view of the Sussman reference and further in view of U.S. Patent No. 5,530,924 to Miller (the Miller reference.) These rejections are respectfully traversed.

Claim 1 recites:

An audio system having various kinds of capabilities of processing an audio signal with visual indication of the capabilities by labels, the audio system comprising:  
a main section that provides the capabilities of processing the audio signal;  
**an editing section, in a device physically separate from the main section, that is operated to edit display data to provide edited display data representative of a label corresponding to a capability of processing the audio signal provided by the main section and to output the edited display data representative of the label corresponding to the capability;**  
a storage section that receives the edited display data and that stores the edited display data; and  
a display section which is in a same device as the main section and the storage section, and is in a device separate from the editing section, that displays the label according to the edited display data stored in the storage section so that the displayed label can be customized in association with the corresponding capability.

The Humpleman reference does not disclose, teach, or suggest claim 1, as amended. The Examiner states that the Humpleman reference does not teach an editing section separate from the main section. (*Office Action, page 4*). The applicants agree with the Examiner and respectfully submit that claim 1 distinguishes over the Humpleman reference.

The Sussman reference does not make up for the deficiencies of the Humpleman reference. The Examiner states that the Sussman reference discloses a portable electronic device that provides means for a user to store, retrieve, edit, delete, and display information of audio and audio-visual recordings. The Examiner also states that the user may use an external computer for storing, retrieving, displaying, and

editing the media data. The Examiner finally states that it would have been obvious to include Sussman's teaching of a portable media device that can be integrated to an external computer for editing in Humpleman's home control network because the user is able to store and edit the media data (labels and capabilities) using the audio device and also a personal computer which provide a larger user database. (*Office Action, page 4*).

Applicants respectfully submit that Sussman reference is disclosing only editing of inventory data of consumer audio and audio-visual recordings and is not disclosing editing of a **label corresponding to a capability of processing the audio signal provided by the main section**. Therefore, the information or labels of the Sussman reference is detailing information pertaining to each audio or audio-visual recording. Specifically, the editing includes media description data and related purchase data. The media description data consists of the title of the recording; the recording studio's name, the type of media (CD, tape, video cassette tape). The purchase data includes the purchase price, place of purchase, and data of purchase. (*Sussman, col. 1, lines 43 - 56*).

This is not the same as an audio system including an editing section, **in a device physically separate from the main section**, that is operated to **edit display data to provide edited display data representative of a label corresponding to a capability of processing the audio signal provided by the main section** and to output the edited display data representative of the label. The Sussman reference is **not disclosing editing display data representative of a label corresponding to a capability of processing an audio signal provided by the main section**. Instead, it

is disclosing editing inventory data or price data regarding either audio or audio-visual recordings, not editing labels to identify a capability of processing an audio signal. The Sussman reference is focused on editing information which describes each song and varies for different song. The present invention instead focuses on editing labels corresponding to audio processing capabilities of the main section, which do not vary per song, and are established for each capability. Accordingly, applicants respectfully submit that claim 1, as amended, distinguishes over the Sussman reference, alone or in combination with the Humpleman reference.

Further, applicants respectfully submit that the Sussman reference discloses only the editing of data in the portable media tracking device and not in the remote computer or personal computer. The Sussman reference discloses that information can be transmitted between the portable media tracking device and the remote computer (personal computer). Specifically, the Sussman reference discloses 1) the integrating of portable media tracking device with a larger user database stored in a personal computer, 2) the sending and receiving of album data, and 3) the bi-directional transfer of information between a portable media tracking device and a remote computer. The applicants believe that the Examiner's understanding of the use of the term "integration" is that the portable media device is physically resident in the external computer. However, the applicants believe that the Sussman reference is discussing that records, edited in the Sussman reference portable media tracking device, can be "integrated" into the larger database resident in the PC.

Thus, the Sussman reference cannot disclose an audio system including an **editing section, in a device physically separate from the main section**, that is

operated to edit display data to provide edited display data representative of a label **corresponding to a capability of processing the audio signal provided by the main section** and to output the edited display data. If the Examiner is stating that the main section in the Sussman reference is the remote computer, then the Sussman reference does not disclose editing of a label corresponding to a capability of processing the audio signal provided by the main section because the remote computer of the Sussman reference does not have audio signal processing capabilities. If the Examiner is stating that the main section in the Sussman reference is the portable audio media tracking device, and thus the editing section is the personal computer, then editing of the label cannot occur because, as discussed above, the personal computer of the Sussman reference disclosed only editing of the inventory data for the audio and audio/visual media. According, applicants respectfully submit that claim 1, as amended, further distinguishes over the Sussman reference, alone or in combination, with the Humpleman reference.

Further, the applicants respectfully submit that the Humpleman reference and the Sussman reference are not properly combinable. In other words, there is no motivation to combine the references. It is respectfully submitted that it would not have been obvious to one skilled in the art to combine the teachings of the Humpleman reference and the Sussman reference, as suggested by the Examiner. It is well-settled that a reference must provide some motivation or reason for one skilled in the art (working without the benefit of the applicant's specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly

or implicitly teaches or suggests the desirability of the modification. In re Kotzab, 55 U.S.P.Q.2d 1313, 1317 – 1318 (Fed. Cir. 2000); In re Fitch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Mills, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990). Absent such a showing in the art, the Examiner has impermissibly used hindsight by using the applicant's teaching as a blueprint to hunt through the prior art for the claimed elements and combine them as claimed. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); Grain Processing Corp. v. American Maize Products, 840 F.2d 902, 907, 5USPQ2d 1788, 1792 (Fed. Cir. 1988).

The Humpleman reference discloses a system having a single control device that may control a plurality of different devices without requiring any change to the mode of operation to the control device because the Humpleman reference's control device can display each of the plurality of different devices user interface. (*Humpleman reference abstract*). All of the figures of the Humpleman reference disclose the displaying of information describing either 1) the signal source devices on a home network and 2) the user interface of the signal source devices. For example, the Humpleman reference, in Fig. 1, discloses a digital satellite system, a DVD player, a DVCR, a home device, and a DTV. Each of these devices generates an audio/video signal and transmits the audio/video signal. In contrast, the Sussman reference is dealing with a handheld electronic device that catalogs and maintains an inventory list of customer audio and audio-visual recordings (is not a signal source). In other words, the Sussman reference handheld electronic device does not provide songs or audio-visual recordings, it is only storing inventory / catalog data. There is no suggestion or teaching in the Humpleman reference to include such a device in its home network.

According, applicants respectfully submit that the Humpleman reference is not properly combinable with the Sussman reference.

The Miller reference does not make up for the deficiencies of the Humpleman reference and the Sussman reference. The Miller reference does not disclose, teach, or suggest the audio of system of independent claim 1, as amended. The Examiner utilizes the Miller reference to show a radio receiver having stored radio station memory presets that stores audio effects associated with stored radio presets and that the Miller system provides memory storage of a desired audio effect corresponding to each broadcast channel corresponding to a memory preset. In addition, the Examiner utilizes Miller to show an audio system having a radio tuner selectably tunable to a plurality of broadcast channels and having capabilities of inputting an audio signal from different types of signal sources. *(August 12 Office Action, pages 9 - 10).*

Assuming that the Miller reference does disclose what the Examiner states that it does, the Miller reference still does not disclose, teach, or suggest an audio system including a main section that provides the capabilities of processing the audio signal; **and an editing section, in a device physically separate from the main section, that is operated to edit display data representative of a label corresponding to a capability of processing the audio signal provided by the main section and to output the display data representative of the label corresponding to the capability.** The Miller reference is not found to disclose an editing section that is in a device separate from the display section. If the Miller reference includes an editing section, i.e., for changing the preset audio effects, it is in the same device as the display section. The Miller reference is also not found to disclose that the display

section displays the label that has been customized in association with the corresponding capability. Accordingly, applicants respectfully submit that independent claim 1, as amended, distinguishes over the Miller / Humpleman / Sussman reference combination.

Independent claims 2, 3, 5, 6, 7, 8, 13, and 14, all as amended, recite limitations similar to independent claim 1, as amended. Accordingly, applicants respectfully submit that independent claims 2, 3, 5, 6, 7, 8, 13, and 14, all as amended, distinguish over the Humpleman / Sussman / Miller reference combination for similar reasons as those set forth above with respect to independent claim 1, as amended.

Claims 9, 11, 12, and 16 - 18 depend, directly or indirectly, from independent claims 8 and 14, respectively. Accordingly, applicants respectfully submit that dependent claims 9, 11, 12, and 16 - 18 distinguish over the Humpleman / Sussman / Miller reference combination for the reasons set forth above with respect to independent claims 1, 8, and 14, all as amended.

In regard to claim 19, applicants are confused about the Examiner's rejection. In the heading on page 3 of the Office Action, the Examiner does not identify that claim 19 is rejected. Yet, on page 5 of the Office Action, the Examiner calls out claim 19 and lists the reasons for this rejection. However, the Examiner's rejection does not track the claim language of claim 19. Specifically, the Examiner does not address the claim limitation of **a second interface, physically separate from the first interface, for connection with at least one audio signal source, the at least one audio signal source providing the audio signal and the at least one audio signal source not being a radio frequency broadcast**. Claim 19 recites:



An audio apparatus having various kinds of capabilities of processing an audio signal with visual indication of the capabilities by labels, the audio apparatus comprising:

an operation control device to set and select the various kinds of capabilities of processing the audio signal with visual indication of the capabilities by labels;

**a first interface for connection with an external editing system to received edited display data from the external editing system;**

**a second interface, physically separate from the first interface, for connection with at least one audio signal source, the at least one audio signal source providing the audio signal and the at least one audio signal source not being a radio frequency broadcast**

a storage section that stores the edited display data; and

a display section that displays the labels according to the edited display data stored in the storage section so that the displayed labels can be customized in association with the corresponding capability of the audio signal source.

Unlike the audio apparatus in claim 19, the Humpleman reference does not concern having various kinds of capabilities of processing an audio signal with visual indication of the capabilities by labels, the audio apparatus including a first interface for connection with an external editing system to received edited display data from the external editing system; and **a second interface, physically separate from the first interface, for connection with at least one audio signal source, the at least one audio signal source providing the audio signal and the at least one audio signal source not being a radio frequency broadcast.**

Instead, the Humpleman reference discloses home devices, audio apparatus, such as a CD, a digital satellite system, a digital TV, a CD player, a digital video disk player, etc. which are connected to each other on a home network utilizing a network operating under a networking protocol, (e.g., a 1394 serial bus or an Ethernet network utilizing a HTTP/IP protocol). If the Examiner cites that the other home devices are the audio apparatus of claim 19, there is no disclosure of these other home devices

including a **second interface, physically separate from the first interface, for connection with at least one external audio signal source, the audio signal source not being a radio frequency broadcast**, and the at least one audio signal source providing the audio signal. If the Examiner cites that the browser-based home device controls the operation of the other home devices on the home network and is thus the audio apparatus, the other home devices are the external audio signal sources for the browser-based home device. The browser-based home device only has only one interface, its network interface, to connect to the other home devices, and does not include a **first interface for connection with an external editing system to receive edited display data so that the labels can be customized in association with the types of signal sources**. The browser-based home device of the Humpleman reference would not need a first interface because it includes the editing system and thus would not need to receive edited display data so that the labels could be customized. Accordingly, no matter which device the Examiner might cite as the audio apparatus of claim 19, the applicants respectfully submit that claim 19 further distinguishes over the Humpleman reference.

The Sussman reference does not make up for the deficiencies of the Humpleman reference. The Sussman reference discloses only one interface, the interface for integrating the portable audio / audio visual tracking device with a larger user database that resides on an external computer, and does not disclose a **second interface, physically separate from the first interface, for connection with at least one external audio signal source, the audio signal source not being a radio frequency broadcast**, and the at least one audio signal source providing the audio

signal. Accordingly, applicants respectfully submit that claim 19 distinguishes over the Sussman reference, alone or in combination with the Humpleman reference.

The Miller reference does not make up for the deficiencies of the Humpleman reference and the Sussman reference. The Miller reference does not concern an audio apparatus including **a first interface for connection with an external editing system to received edited display data from the external editing system; and a second interface, physically separate from the first interface, for connection with at least one audio signal source, the at least one audio signal source providing the audio signal and the at least one audio signal source not being a radio frequency broadcast.**

Instead, the Miller reference discloses a radio receiver including an antenna, i.e., an interface, for receiving signals from a plurality of broadcast stations. This is not the same as **a first interface to receive edited display data from the external editing system** because the Miller reference does not disclose an external editing system or a physical interface to the external editing system. The disclosure of the Miller reference is also not the same as **a second interface to connect to at least one signal source where the at least one audio signal is not a radio frequency broadcast** because the only interface disclosed for the Miller reference is a radio frequency antenna to receive a radio frequency broadcast. Accordingly, applicants respectfully submit that independent claim 19, as amended, further distinguishes over the Miller / Humpleman / Sussman reference combination.

Independent claims 26 and 27 recite similar limitations to independent claim 19. Accordingly, applicants respectfully submit that independent claims 26 and 27 further

distinguish over the Humpleman / Sussman / Miller reference combination for similar reasons as discussed above in regard to independent claim 19.

Claims 20 - 24 depend, directly or indirectly, from independent claim 19.

Accordingly, applicants respectfully submit that claims 20 - 24 distinguish over the Humpleman / Sussman / Miller reference combination for the reasons set forth above with respect to independent claim 19.

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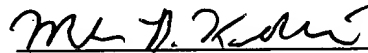
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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

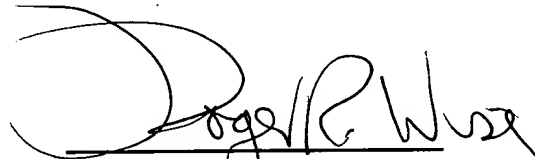
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